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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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BS

FILE:

SRC 05 066 51040

Office: TEXAS SERVICE CENTER

Date:

DEC 14 2005

IN RE:

Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the Form I-290B Notice of Appeal, filed on April 4, 2005, counsel did not indicate that a separate brief or evidence accompanied the appeal form, or that any further submission would be forthcoming. Instead, counsel indicated “I am not submitting a separate brief or evidence.” Thus, counsel’s statement on the Form I-290B itself constitutes the entire appeal.

The statement on the appeal form reads, in its entirety: “The standards set forth in Matter of New York State Dept of Transportation (AAO, Aug. 7 1998, EAC-96-063-51031) in regard to employment based 2nd preference immigrant petition with request for a National Interest Waiver were wrongly applied to this petition by the Citizenship and Immigration Services.” This is a general statement that makes no specific allegation of error. Counsel does not identify the “standards” in question, nor does counsel explain how the director wrongly applied those standards in the present matter. The bare assertion that the director somehow erred in rendering the decision is not sufficient basis for a substantive appeal.

Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.